



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, SEPTEMBER 1, 2020
MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

City Council meeting will be held via teleconference /Zoom webinar only (no physical meeting space).
Submit any Public Forum or agenda item comments in writing on the form online, to be read aloud by
the City Clerk.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>
YouTube: <https://www.ci.milpitas.ca.gov/youtube>
Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

Virtual public comments may be submitted on a form from the City website:

<http://www.ci.milpitas.ca.gov/publiccomment>

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara
Santa Clara County Superior Court Case No. 18CV325480

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

PLEDGE OF ALLEGIANCE

INVOCATION (assigned to Mayor Tran)

PRESENTATIONS

- Proclaim September 6 - 12, 2020 as *National Suicide Prevention Week*
- Proclaim September 2020 as *National Preparedness Month*

PUBLIC FORUM (7:05 PM)

Those who wish to address City Council on any subject not on tonight's agenda may submit comments in writing on the form available online and may provide their name and city of residence for the Clerk's record. Remarks read aloud by the City Clerk will be limited to three minutes or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

Written comments sent in to the City Clerk or directly to the City Council in advance of the live City Council meeting will not be read out loud during the meeting, and are kept on file in the City Clerk's office as records of the meeting. Such comments are distributed to City Council and posted on the City website with all other meeting agenda material.

Virtual public comments may be submitted on a form from the City website: www.ci.milpitas.ca.gov/publiccomment

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR (7:30 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

- C1. Receive City Council Calendar of Meetings for September 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

- C2. Approve Meeting Minutes of the August 18, 2020 City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: To approve the City Clerk's draft meeting minutes of the regular meeting on August 18, 2020.

- C3. Adopt a Resolution regarding the City's Tort Claims Procedure (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt a resolution regarding the City's tort claims procedure.

- C4. Adopt a Resolution Authorizing the City Manager to Execute a Purchase and Sale Agreement for property located at 1831-1841 Tarob Court and Approve Transit Area Development Impact Fee (TADIF) Budget Amendment (Staff Contact: Alex Andrade, 408-586-3046)**

Recommendations:

- a) Adopt a Resolution authorizing the City Manager to execute a Purchase and Sale Agreement for property located at 1831-1841 Tarob Court (APN 086-036-030) located within the Transit Area Specific Plan (TASP) to accommodate extensions of South Milpitas Boulevard and Sango Court.
- b) Approve Transit Area Development Impact Fee (TADIF) budget amendment to appropriate \$11.1 million.

- C5. Approve and Authorize the City Manager to Execute an Agreement with Environmental Services Inc. for a Five-Year Agreement Amount Not to Exceed \$214,707.35 to provide Citywide HVAC Maintenance Services, subject to annual appropriation of funds (Staff Contacts: Tony Ndah, 408-586-2602 and Chris Schroeder, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to execute a five-year agreement with Environmental Services Inc. for citywide HVAC Maintenance Services, for an amount of \$41,270.00 in the first year and a total amount not to exceed \$214,707.35 over the five-year period, subject to annual appropriation of funds.

- C6. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Contract with Environmental Logistics, Inc. for Routine Disposal and Emergency Cleanup of Hazardous Materials to increase the Annual Amount Not to Exceed by \$40,000 to \$80,000 for the Two Remaining Option Years for a New Total Contract Amount Not to Exceed \$280,000 (Staff Contacts: Chris Schroeder, 408-586-3161 and Tony Ndah, 408-586-2602)**

Recommendation: Approve and Authorize the City Manager to Execute Amendment No. 1 to the Agreement with Environmental Logistics, Inc. to increase the Annual Contract not-to-exceed amount by \$40,000 to \$80,000 for the remaining two years of the contract.

- C7. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Silicon Valley Independent Living Center and Approve a related Budget Amendment (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

- a) Approve and authorize the City Manager to execute a Professional Services Agreement with Silicon Valley Independent Living Center for the management of the EFSP grant for the Rent Relief Program.
- b) Approve a budget amendment to appropriate \$12,600 from the Affordable Housing Fund to the FY 2020-21 Building Safety and Housing Operating Budget.

C8. Consider and Approve Mayor's Recommendation to Appoint Two New Alternate Members on the Science, Technology and Innovation Commission (Contact: Mayor Tran, 408-586-3029)

Recommendations:

Receive Mayor Tran's recommendation, and move to appoint two residents to the Science, Technology and Innovation Commission:

- a. Ms. Rajani Nair as Alternate Member No. 1 to a term that will expire in January 2021.
- b. Mr. Kevin Le as Alternate Member No. 2 to a term that will expire in January of 2023.

LEADERSHIP AND SUPPORT SERVICES (7:45 PM)

9. Accept FY 2019-20 Fourth Quarter Financial Status Report and Related Budget Amendments to Close-out the FY 2019-20 Budget (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendations:

- a) Accept the FY 2019-20 Quarterly Financial Status Report for the quarter ending June 30, 2020.
- b) Approve budget appropriation from the Affordable Housing Fund for \$26,419 to the City Attorney's operating budget, from the Hetch-Hetchy Fund for \$258 to the Non-Departmental operating budget, from the 2008 Community Facilities Fund for \$7,933 to the Public Works and Non-Departmental operating budget and from the Vehicle Registration Fee Fund for \$303,331 to CIP No. 3440 Annual Street Light, Signal and Signage Project.

10. Accept FY 2021-2030 Ten-Year General Fund Financial Forecast Update (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Accept the FY 2021-2030 Ten-Year General Fund Financial Forecast Update.

11. Adopt a Resolution Approving and Directing the City Manager to Implement the COVID-19 Fiscal Response Strategies and Guidelines (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Adopt a Resolution approving and directing the City Manager to implement the COVID-19 Fiscal Response Strategies and Guidelines.

12. Approve Side Letter No. 4 between the Milpitas Police Officers Association (MPOA) and the City of Milpitas effective Fiscal Year 2020-21 (Staff Contact: Francine Hunt, 408-586-3085)

Recommendation: Approve Side Letter No. 4 between the Milpitas Police Officers Association (MPOA) and the City of Milpitas regarding the MPOA Retiree Dependent Health Care Fund for Fiscal Year 2020-21.

REPORT OF MAYOR (9:30 PM)

13. Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers (Contact: Mayor Tran, 408-586-3029)

Recommendation: Review list of items presented (list in agenda packet) that have been requested by City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to a City Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until the item is scheduled as a full agenda item.

NEXT AGENDA PREVIEW

14. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on September 15, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the September 15, 2020 City Council meeting.

ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.